

PETER GOODMAN, ESQ.  
 State Bar No. 65975  
 400 Montgomery Street, Second Floor  
 San Francisco, California 94104  
 Telephone: (415) 781-8866  
 Facsimile: (415) 781-2266

Attorney for Defendant  
 MARIO OCHOA-GONZALEZ

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	) NO. 3:12-MJ-70293
Plaintiff,	) STIPULATION AND <del>PROPOSED</del> ORDER
vs.	) CONVERTING DATE FOR PRELIMINARY
MARIO OCHOA-GONZALEZ,	) HEARING TO STATUS CONFERENCE
Defendant.	) DATE AND CONTINUING PRELIMINARY
	) HEARING
	) AS AMENDED

The United States of America, by its attorneys, Melinda Haag, United States Attorney, and Assistant United States Attorney ("AUSA") W.S. Wilson Leung, of counsel, and defendant MARIO OCHOA-GONZALEZ, by his attorney, Peter Goodman, hereby submit this Stipulation and [Proposed] Order requesting that the August 23, 2012, date currently set for the preliminary hearing in this matter be converted to a date for a status conference and the preliminary hearing in this matter be set for September 24, 2012.

The parties hereby stipulate and agree to the following:

1. On March 13, 2012, defendant MARIO OCHOA-GONZALEZ was charged in a criminal complaint with violating 21 U.S.C. §841(a)(1) and (b)(1)(B) and 18 U.S.C. §924(c)(1)(A) and 2. The defendant was arrested and subsequently brought before the Honorable Nathanael M. Cousins on March 15, 2012. Federal Public Defender ("FPD") Steven Kalar was appointed to represent the defendant who waived his right to seek bail

1 without prejudice to any future bail applications.

2       2. After his initial appearance, AUSA Leung and FPD Kalar attempted to  
3 resolve this matter prior to the filing of an indictment. However, on April 16, 2012,  
4 due to a conflict of interest, FPD Kalar withdrew as counsel of record for defendant  
5 OCHOA-GONZALEZ and Peter Goodman was appointed as CJA counsel for the  
6 defendant.

7       3. Since Mr. Goodman's appointment, the parties have continued their plea  
8 discussions and have made progress toward a resolution of this matter but need some  
9 additional time to accomplish that resolution. Accordingly, the parties request that the  
10 August 23, 2012, date currently set for the preliminary hearing to be converted to a status  
11 conference date and the preliminary hearing in this matter be continued to September  
12 24, 2012, in order for the parties to pursue their plea discussions. Should this request  
13 be granted, the parties submit and agree that time should properly be excluded under  
14 the Speedy Trial Act until September 24, 2012, in the interests of justice and to ensure  
15 the effective assistance of counsel.

16 SO STIPULATED

17 DATED: August 20, 2012

18 MELINDA HAAG  
19 United States Attorney

20 By: /s/  
21 W.S. WILSON LEUNG  
Assistant United States Attorney

22 SO STIPULATED

23 DATED: August 20, 2012

24  
25 /s/  
26 PETER GOODMAN  
27 Attorney for Defendant  
MARIO OCHOA-GONZALEZ

28 ///

ORDER CONTINUING PRELIMINARY HEARING

Based on the stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that the date for the preliminary hearing in this matter, which is presently set for August 23, 2012, be converted to a status conference date and that the preliminary hearing be continued to September 24, 2012. ~~The parties further stipulate and agree that time under the Speedy Trial Act be excluded through September 24, 2012.~~

DATED: August 22, 2012

